

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HELLO FARMS LICENSING MI, LLC,

Plaintiff,

v.

Case No. 21-cv-10499
Hon. Matthew F. Leitman

GR VENDING MI, LLC, *et al.*,

Defendants.

ORDER (1) DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (ECF No. 80); (2) GRANTING IN PART AND DENYING IN PART PLAINTIFF HELLO FARMS LICENSING MI, LLC’S CORRECTED MOTION FOR SUMMARY JUDGMENT (ECF No. 128); AND (3) GRANTING PLAINTIFF’S MOTION TO FILE REMARKS (ECF No. 132); AND TERMINATING AS MOOT REMAINING MOTIONS (ECF Nos. 88, 89, 119, and 143)

On July 29, 2024, the Court held a hearing on (1) Defendants’ Motion for Summary Judgment (“Defendants’ SJ Motion”) (ECF No. 80) and (2) Plaintiff Hello Farms Licensing MI, LLC’S Corrected Motion for Summary Judgment (“Plaintiff’s SJ Motion”) (ECF No. 128). For the reasons stated on the record it is **HEREBY ORDERED**:

- Defendants’ SJ Motion is **DENIED**.¹

¹ During an earlier hearing on May 8, 2024, the Court made some observations on the record concerning what the Court and the parties have called Defendants’ illegality defense to Plaintiff’s claims, and some of those observations may conflict, at least to some extent, with the Court’s reasons for its ruling reflected above as

- Plaintiff's SJ Motion is **GRANTED IN PART AND DENIED IN PART**. It is **GRANTED** to the extent it seeks summary judgment in favor of Plaintiff on Defendants' counterclaim for statutory conversion (Count IV of Defendants' Second Amended Counterclaims, ECF No. 36.) It is also **GRANTED** to the extent it seeks summary judgment in favor of Plaintiff on that portion of Count I of Defendants' Second Amended Counterclaims in which Defendants allege that Plaintiff committed a breach of contract by delivering product to Defendants (which Defendants accepted) that did not meet the parties' agreed-upon specifications. To the extent Defendants wish to proceed on that theory, Defendants must proceed on a breach of warranty claim. In all other respects Plaintiff's SJ Motion is **DENIED**.
- Plaintiff's Motion for Leave to File Remarks (ECF No. 132) is **GRANTED** because the Court believes that the request to file the remarks is appropriate.
- All other pending motions (ECF Nos. 88, 89, 119, and 143) are **TERMINATED AS MOOT** in light of the Court's other rulings as set forth above.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 29, 2024

explained on the record on July 29, 2024. The Court's earlier comments were preliminary in nature. The Court made its final observations and stated the final basis for its ruling on July 29, 2024, after doing substantial additional research, review, and analysis of the illegality defense.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 29, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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